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Inquiry into the Child Protection  
System in the Northern Territory  
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Dear Board Members

## **INQUIRY INTO THE CHILD PROTECTION SYSTEM IN THE NORTHERN TERRITORY**

The enclosed (\*) submission is made on behalf of the Department of Justice, GPO Box 1722 Darwin NT 0801. The Department of Justice does not require the content of the submission to be treated confidentially.

In preparing this submission, I have invited officers from my Department to make individual submissions in accordance with the process set out in the Board of Inquiry into Child Protection's Terms of Reference ([http://www.childprotectioninquiry.nt.gov.au/terms\\_of\\_reference](http://www.childprotectioninquiry.nt.gov.au/terms_of_reference)).

Thank you for the opportunity to make a submission to the Inquiry into the Child Protection System in the Northern Territory.

Yours sincerely

**Greg Shanahan**  
Chief Executive Officer  
August 2010

(\*) Encl

# Department of Justice Response to the Inquiry into the Child Protection System in the Northern Territory

## INTRODUCTION

This submission has been prepared as a coordinated Department of Justice response to specific requests for information from the Inquiry into the Child Protection System in the Northern Territory. It features reporting on:

- Departmental structure;
- Departmental functions supporting vulnerable children and families;
- Representation on interagency committees -
  - Coord, Social Responsibility Subcommittee;
  - Community Safety Working Group;
  - Interdepartmental Child Protection Policy and Planning Working Group;
  - Interagency Tasking and Coordination Groups;
  - Community Tasking and Coordination Groups;
- Corrections issues; and
- Future directions: Remote Service Delivery and Working Future.

## **DEPARTMENTAL STRUCTURE**

The Department of Justice is working to its vision of becoming an integrated organisation that shapes a safe and fair Northern Territory, and fosters a relevant and accessible justice system.

The Department is currently responsible to:

- Minister for Justice and Attorney-General;
- Minister for Correctional Services;
- Minister for Alcohol Policy; and
- Minister for Racing, Gaming and Licensing.

The Department of Justice Strategic Plan 2009-2012 provides strong corporate governance and a reporting framework for the agency and brings into focus the Department's vision and values, including the following key strategic drivers:

- Play a lead role in developing safer communities;
- Develop and maintain a sustainable organisation;
- Protect and promote the rights of the vulnerable and disadvantaged;
- Influence responsible economic and social development; and
- Enhance Indigenous outcomes.

The Department of Justice is comprised of seven divisions, being:

- Solicitor for the Northern Territory;
- Court Support and Independent Offices;
  - Court Support Services;
  - Fines Recovery Unit;
  - Registrar-General;
  - Public Trustee;
  - Information Commissioner;
  - Public Interest Disclosures;
  - Consumer Affairs;
  - Anti-Discrimination Commission; and
  - Director of Public Prosecutions;
- Northern Territory Correctional Services;
  - Adult Custodial Operations
  - Community Corrections; and
  - Juvenile Detention,

- Policy Coordination;
  - Legal Policy;
  - Community and Justice Policy; and
  - Research and Statistics;
- Licensing, Regulation and Alcohol Strategy;
- NT WorkSafe; and
- Corporate and Strategic Services;
  - Finance;
  - Infrastructure and General Services;
  - Human Resources;
  - Information Services; and
  - Corporate Communications.

A copy of the Department's Organisational Chart and Strategic Plan 2009-21012 are Attachments 1 and 2 to this submission. The Department has determined to focus on achieving more outcomes in line with its Strategic Plan, particularly through initiatives such as increasing court activity levels and strengthening security and safety measures in Courts across the Territory; improved prosecutorial services and increased support of witnesses in remote and regional areas; opening of the Office of the Commissioner for Public Interest Disclosures; increased access to rehabilitation and education programs for prisoners; and a pilot prisoner work camp in the Barkly region.

Although child protection activities are not a core part of Department of Justice portfolio responsibilities, the Department recognises that child protection is everyone's business and is committed to working across government and with the community sector to assist in protecting the Northern Territory's children and young people, ensuring they are safe from abuse, and in particular, reducing Indigenous overrepresentation in the child protection system.

## **DEPARTMENTAL FUNCTIONS SUPPORTING VULNERABLE CHILDREN AND FAMILIES**

The Department of Justice has various roles, functions and initiatives that support vulnerable children and families, including:

- School Liaison Program gathering intelligence on the supply of alcohol and alcohol and tobacco to young people;
- Court orders and imposition of sentences, including orders under the *Youth Justice Act* and the *Care and Protection of Children Act*;
- Court diversion program is assisting parents in addressing alcohol and drug problems and identifying at risk children;
- Correctional Services home detention assessments, including an assessment of risks to children resident in or visiting the home subject of an order;
- Juvenile detention (young people serving a period in custody); and

- Australian classification education program, a community-based education campaign targeting Indigenous people in remote communities raising awareness of the classification system and the negative impact of pornography on young people.

A spreadsheet setting out more detail about these initiatives appears at Attachment 3 to this submission.

### **Representation on Interagency Committees**

The Lawyer assisting the Board of Inquiry has stated:

*“A significant issue which the Board is grappling with is the need for cross-Agency effort, collaboration and service delivery in advancing and meeting the objectives set by policies such as Closing the Gap/Working Future.*

*The current administrative structure to assist meeting current policy and services objectives appears to be:*

- *Coord, Social Responsibility Subcommittee*
- *Community Safety Working Group*
- *Interdepartmental Child Protection Policy and Planning Working Group.*

*The Board would wish to know what representation DoJ has on these committees, what involvement carriage/responsibility DoJ has in the various aspects of the committees' functions, what has not been achieved, and what is intended for the future, including as to timing.*

*This is particularly in relation to community safety plans and alcohol management plans, and any relevant interagency MoUs or agreements.*

*Other aspects of DoJ's operations could also be addressed, such as through community corrections officers, including in a cross agency or 'whole of government' context.”*

Responses to these queries and additional content follows:

### **Social Responsibility Subcommittee**

The Department of Justice attends the Social Responsibility subcommittee of the NT Coordination Committee. This Committee is chaired by the Chief Executive of the Department of the Chief Minister and secretariat support is provided by that agency.

### ***Community Safety Working Group***

The Department of Justice provides secretariat support to the interdepartmental Community Safety Working Group (CSWG), a senior strategic policy and coordination level group chaired by the Deputy Chief Executive of the Department of Justice from the inception of this group in December 2007 to February 2010. From March 2010, responsibility for chairing this group has transferred to Grahame Kelly, Assistant Commissioner, Northern Territory Police, with the Department of Justice continuing to provide secretariat support. Terms of reference for the group appear as Attachment 4 to this submission.

The CSWG was initially established at the request of Government to drive implementation and ensure ongoing monitoring and reporting on various antisocial behaviour strategies. Given the interconnectedness of many law and social justice issues, the groups' role and functions have transitioned over time to address a range of related issues. The CSWG has a standing agenda and considers issues including antisocial behaviour, regional reports, Alice Springs Transformation Plan, business arising from Social Responsibility Subcommittee, child protection, housing and homelessness, youth justice strategy, and alcohol issues and regional transport. Discussion is led by lead agencies for each of these issues and members of the group are provided information about policy development, implementation and current issues.

The group meets on a monthly basis and includes representatives from:

- Northern Territory Police, Fire and Emergency Services (Chair);
- Department of Justice (secretariat);
- Department of the Chief Minister;
- Northern Territory Treasury;
- Department of Health and Families;
- Department of Housing Local Government and Regional Services;
- Department of Employment and Training;
- Department of Planning and Infrastructure; and
- Department of Natural Resources, Environment, the Arts and Sport.

The CSWG has increased its scope of consultation through quarterly meetings with local and Australian Government representatives, academic partners and non-government organisations. When guests are invited the meeting is divided into two parts, with Northern Territory Government members meeting separately and invited guest are requested to nominate agenda items from the standing agenda for dedicated discussion.

As introduced earlier, the Department of Justice manages the secretariat for this group including circulating outcomes to member agencies, organising briefings and circulation of briefing material and coordinating meeting outcomes as required. The CSWG is a dynamic group, with members and focus issues changing from time to time.

A document setting out the relationship between the CSWG and various other groups is Attachment 5 to this submission.

In 2009-10, the CSWG conducted special focus meetings on the following issues:

- Child protection;
- National Plan to Address Violence Against Women;
- Palmerston Youth Issues;
- Strategies for addressing public place dwelling and antisocial behaviour and planning for top end wet season accommodation; and
- Binjari community problem solving plan.

The CSWG also provides a forum for two way communication between the Interagency Tasking and Coordination Groups (ITCGs) that meet in Darwin, Katherine, Tennant Creek, Alice Springs and Nhulunbuy on a fortnightly basis (see later discussion).

The CSWG oversees the ongoing work of the ITCGs as a strategic oversight group and accepts referrals of issues that block implementation of local problem solving activities and strategies.

The CSWG is well established. At its July 2010 meeting, the CSWG resolved to take on the additional responsibility of providing a forum for regular senior government officers discussions about the rollout of the Safe Communities aspects of the Local implementation plans established under the Remote Service Delivery National Partnership Agreements (see later discussion).

### ***Interdepartmental Child Protection Policy and Planning Working Group***

The Department of Justice is a member of the Interdepartmental Child Protection Policy and Planning Working Group. This working group is chaired by the Department of Health and Families.

As previously noted, a meeting Community Safety Working Group meeting dedicated to child protection issues was conducted in September 2009 (prior to the formal establishment of the Interdepartmental Child Protection Policy and Planning Working Group). The meeting was convened to discuss child abuse strategic intelligence reporting. This meeting included a confidential briefing by Police on the Strategic Intelligence Assessment process. Invitations to attend the briefing were extended beyond agency CSWG representatives to include operational areas in Departments as requested by CSWG members.

### ***Interagency Tasking and Coordination Groups***

Community and Justice Policy (CJP), Department of Justice, plays a key role in community safety in the Northern Territory. The Northern Territory Government's public safety framework known as the 'Public Safety Model' has an urban and regional focus with coordination officers located in Darwin, Alice Springs, Nhulunbuy, Katherine and Tennant Creek. The Public Safety Model focuses upon addressing antisocial behaviour and incorporates coordination activities, funded initiatives and service delivery (by government and non government providers) and a formal governance structure).

The Department of Justice has worked closely with the Northern Territory Police to address antisocial behaviour in urban areas and has built up a network of committees known as ITCGs in urban centres. The groups meet on a fortnightly basis in the urban centres. ITCGs are chaired by the Northern Territory Police and the group membership includes a cross section of government and community organisations, including Northern Territory and Australian Government agencies, local government, community councils and non-government organisations.

The groups have been established to address antisocial behaviour in urban areas and:

- identify local issues;
- develop and monitor implementation of 'problem solving plans';
- commit to action eg joint operations between agencies;
- share information on services and service delivery issues within the community; and
- provide an opportunity to raise blockages or policy issues with senior government officials.

There are inevitably issues that the ITCGs cannot 'solve' and the CSWG is a mechanism for referring issues. ITCG reports are prepared for the CSWG on a monthly basis.

There are inevitably issues raised in these fora beyond their scope. There have been occasions when referrals to the Department of Health and Families concerning child protection issues have been made through ITCG interventions, for example the Binjari problem solving plan targeting child protection, alcohol and antisocial behaviour issues and a variety of issues at the National Road Transport Hall of Fame in Alice Springs. A copy of the Binjari problem solving plan is attached to inform the Board of a comprehensive ITCG initiative that has incorporated child protection issues (Attachment 6). See also *Katherine Times* article dated 17 March 2010 (Attachment 7).

### **Community Tasking and Coordination Groups**

It is proposed to expand ITCG type operations to remote settings, with a broader agenda covering a range of community safety issues and feature more involvement and input from community members. Under the Community Tasking and Coordination Group (CTCG) model, Police will chair the committees and the Department of Justice officers lead coordination activities. It is proposed to extend this model in Territory Growth Towns (incorporating Remote Service Delivery Sites) in a staged approach, subject to receiving funding from the Australian Government and community readiness. The CTCGs will not be restricted to focusing on antisocial behaviour issues and will have the ability to undertake a problem solving activities on a range of issues including domestic and family violence, child protection, school attendance.

The Department of Justice was funded by the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) during 2009-10 to deliver the 'Community Education Remote Alcohol Management Planning' (CERAMP). As part of the CERAMP project, community safety work is being undertaken to a complement community education and alcohol management planning activities in remote communities. As part of this the Department of Justice is participating in three CTCGs addressing community safety issues and is actively managing two of them (in Borroloola and Groote Eylandt) with demonstrated results.

FaHCSIA is currently working with Licensing, Regulation and Alcohol Strategy within the Department of Justice to develop a National Partnership Agreement relating to Substance Misuse. It has been identified that further funding will be available for alcohol management planning activities from FaHCSIA, there is no indication of any funding for community safety planning.

The term CTCG is a working title adopted by government and local groups can adopt their own name or incorporate problem solving activities into an existing forum.

### **MoUs and Agreements**

The Department of Justice has been involved in the development of the National Indigenous Law and Justice Framework (see [http://www.ag.gov.au/www/agd/agd.nsf/Page/Consultationsreformsandreviews\\_DraftNationalIndigenousLawandJusticeFramework](http://www.ag.gov.au/www/agd/agd.nsf/Page/Consultationsreformsandreviews_DraftNationalIndigenousLawandJusticeFramework)). The website notes:

*"The Framework is a national approach to addressing the serious and complex issues that mark the interaction between Aboriginal and Torres Strait Islander peoples and the justice systems in Australia.*

*The strategies and actions in the Framework are intended to be flexible rather than prescriptive to enable implementation that is responsive to local needs and consistent with jurisdictional priorities and resource capacity.*

*The Framework is intended to support the COAG agenda to Close the Gap in Indigenous disadvantage, particularly in relation to community safety and will be instrumental in achieving COAG objectives.*

*The Framework provides an opportunity for governments, non-government and community organisations, and Aboriginal and Torres Strait Islander peoples to build on existing partnerships and agreements to identify and develop the most appropriate response to law and justice issues adversely affecting Aboriginal and Torres Strait Islander peoples.”*

The National Indigenous Law and Justice Framework includes a specific action 1.1.1a to ‘establish and support local Indigenous law groups to provide advice to police youth justice courts and corrections in urban and regional and remote settings’ as well as action 5.2.1b ‘support the capacity of committee justice groups to link with health education housing employment and welfare service providers to facilitate an integrated approach to community initiatives’.

As introduced previously, the Northern Territory Government’s proposal to undertake broad scale community safety planning activities will achieve the objectives of the National Indigenous Law and Justice Framework as well as obligations under the National Partnership Agreement on Remote Service Delivery and Working Future. Moreover, the Northern Territory Government’s implementation of its Public Safety Model provides guidance for how this can be achieved.

An Indigenous Community Safety Roundtable was conducted in November 2009 with jurisdictions invited to send senior representatives from Justice, Police and Indigenous Policy agencies.

At the Roundtable, Ministers and Police Commissioners from all jurisdictions agreed to:

- develop an effective approach for determining law enforcement and support services required in remote and very remote communities, and to recruiting and retaining sworn officers, especially Indigenous officers;
- develop strategies to reduce alcohol induced violence, abuse and crimes in affected Indigenous communities;
- provide leadership at all levels on the need for information sharing and integrated service delivery, particularly in relation to family violence and child abuse or neglect cases, and
- explore the feasibility of a ‘first door must be the right door’ service delivery model between States and Territories and the Commonwealth, where people receive the appropriate care and support through the entire process of recovery.

Although there have previously been discussions indicating national support for the development of a National Partnership Agreement concerning community safety, this is not currently active; rather discussions are now progressing to develop a ‘Aboriginal and Torres Strait Islander Safe Communities Strategy’ being led by the Commonwealth Attorney-General’s Department. There is no new funding associated for initiatives identified for this strategy and its development has been deferred by the federal caretaker period.

The Safe Communities strategy (under development) acknowledges the development of the National Framework for Protecting Australia's Children and is likely to include considerations of juvenile offenders and young people at risk as well as support for at risk families and improving access to justice.

### ***Closing the Gap Coordination***

The Department of Justice is also represented on the Closing the Gap Coordination Group which meets monthly and is coordinated by Office of Indigenous Policy and Department of Housing Local Government and Regional Services at a jurisdictional level. This Group is a Deputy CEO level group that monitors implementation of the Closing the Gap National Partnership Agreement which commits the Commonwealth and Northern Territory Government to working together towards the Closing the Gap targets in the Northern Territory, as agreed in the National Indigenous Reform Agreement.

## **CORRECTIONS ISSUES**

### **Community Corrections**

The Board has also requested information about Community Corrections Officers.

Community Corrections has remote offices at Nhulunbuy, Wadeye and Alyungula. In addition, Northern Territory Correctional Services has employed Community Probation and Parole Officers (CPPOs) at the following remote communities:

- Wadeye;
- Ti Tree;
- Hermannsburg ;
- Lajamanu;
- Nguiu;
- Timber Creek; and
- Barunga

Indigenous CPPOs help Northern Territory Correctional Services supervise community based offenders who may be on a range of sentencing options such as community works orders and home detention. They also provide support for other justice related initiatives in the Courts. This work leads to improvements in crime prevention and community safety. It also provides a career path for Indigenous people who are recruited as CPPOs by participating in the Certificate II in Justice Services, developed by the NT Correctional Services Staff Development and Training Branch. CPPOs are also located at Nhulunbuy, Tennant Creek and Alice Springs.

### **Indigenous Family Violence Offender Program (IFVOP)**

The IFVOP has been operating in the Northern Territory since 2005, originally set up under a bilateral agreement with the Commonwealth and Northern Territory Governments. At the completion of this agreement the Northern Territory Government decided to continue and expand the program Territory wide through Community Corrections using Closing the Gap funding. The aim of IFVOP is to work

with offenders to educate and provide alternative strategies for addressing issues which result in anger. It is a unique program delivered by local Indigenous facilitators who are respected by their community. The 50 hour program raises awareness about family violence that impact on the offender, the victims, family and community as a whole. Participants learn that family violence is not acceptable and is a crime. Participants are usually perpetrators of family violence who are on court orders to take part in the program. Other participants are referred from community alcohol banning committees, NT Police or by other government agencies, especially the Department of Health and Families.

Elements of the program have been delivered in both a custodial and a community setting. In 2009-10 40 IFVO Programs were delivered in Darwin/Palmerston, all regional centres and 14 remote communities across the NT. The IFVOP is also being delivered in the catchment areas for the Cross Border Justice Scheme, including program delivery in Western Australia and South Australia.

Work is being undertaken to further develop the IFVOP as a part of a throughcare model, ensuring continuity of care. The IFVOP has recently been reviewed and the Department of Justice is considering further enhancements to IFVOP to sustain the program.

### **Youth Justice Issues**

In 2008, the Department of Health and Families (DHF) was restructured and a new NT Families and Children (NTFC) division was created. The Youth Services Branch was established within this Division and its role includes delivering on the commitments articulated in the Northern Territory Government's Youth Justice Strategy which aims to combat youth crime and antisocial behaviour and incorporates Family Responsibility Agreements and Family Responsibility Orders which aim to enable parents to better manage the behaviour of their children. DHF is responsible for the administration of the *Youth Justice Act 2006*.

One of the components of the Youth Justice Strategy was to be the transfer of the youth function of Community Corrections from NT Correctional Services (NTCS) to DHF (to be located in the Youth Services Branch). However, this function is still being undertaken by NTCS for a number of reasons including a requirement for legislative amendment and ongoing planning for the most effective options for achieving best outcomes for young people.

### **Sex Offender Treatment Programs**

Sexual offenders represent a relatively small proportion of the overall offender population in the Northern Territory. As at May 2010, there were 171 sexual offenders (by most serious offence, or who have committed a child sexual offence) in the Darwin and Alice Springs Correctional Centres.

Of these:

- 42, or approximately 24%, have completed or are completing sex offender treatment;
- 10, or approximately 6%, failed to complete a treatment program; and
- 20, or approximately 12%, refused to participate or were assessed as unsuitable for a treatment program. This may be as a result of brain injury or other factors which prevent effective group participation.

Of the remaining 99 offenders, 33 have less than 12 months, and 66 have more than twelve months, left to serve. Prior to their release, these offenders will be assessed for participation in sex offender treatment.

During 2009-10, significant work was undertaken to improve the provision of Sex Offender Treatment Programs. Programs were redeveloped during 2009-10 to move away from limited duration, closed programs which meant that offenders must wait until the commencement of a new program to begin addressing their offending behaviour.

## **FUTURE DIRECTIONS**

### **Remote Service Delivery (RSD)**

The National Partnership Agreement on Remote Service Delivery (RSD NPA) was signed by the Commonwealth, New South Wales, Queensland, Western Australia, South Australia and the Northern Territory in January 2009.

Under this agreement the Australian Government and the relevant States and Northern Territory are investing \$291.2 million over six years from 1 July 2009 to change the way they work with Indigenous Australians in a number of priority communities.

The broad objectives of the RSD NPA are:

- to improve Indigenous families' access to a range of government services;
- to raise these services to the standard provided to other Australians living in communities of similar size and location;
- to improve governance and leadership within the communities, including among Indigenous community organisations;
- to achieve better coordinated government services; and
- to increase economic and social participation wherever possible and promote personal responsibility and positive behaviours.

There are 15 RSD sites located in the NT (of total of 29 nationally). These are within the 20 Territory Growth Towns which are core to the Northern Territory Government's Working Future policy.

### **Local Implementation Plans**

The Regional Operations Centre is a group comprised of collocated officers from the Northern Territory and Australian Governments and this group has undertaken a comprehensive community consultation process to develop 'Local Implementation Plans' (LIPs) for each of the 15 sites.

Communities have identified desired community outcomes across the seven Closing the Gap building blocks. The building blocks are linked – achieving the Closing the Gap targets requires progress in each of these areas. The 'Safe Communities' building block is of particular relevance to the Department of Justice. The Safe

Communities 'building block' is also being addressed through other various national policy frameworks.

The community consultation process undertaken to develop the LIPs has identified that safe communities involves a range of issues extending beyond law and order. Across the NT, community-identified safety issues typically included:

- Alcohol management;
- Gambling;
- Emergency response eg cyclone preparations;
- Animal control, especially dog control;
- Local people being involved in the administration of justice; and
- Increased policing presence.

There is general agreement between the Northern Territory Government and the Australian Government that community safety issues can be addressed at a local level through the development of individual community safety plans driven through a collaborative interagency problem solving approach. The LIPs represent an excellent platform for the development of community safety plans as living documents within communities beyond those committees established as described above with 2009-2010 funding from FaHCSIA. It is expected, that, within legislative frameworks and appropriate information privacy protocols and procedures in place, local interagency groups could address child protection and domestic and family violence issues.

### **Working Future**

The Department of Justice has committed to playing a lead role in developing safer communities as part of its strategic plan. Ideally, community safety plans would be developed for each of the 20 Territory Growth Towns.

**TABLE OF ATTACHMENTS**

1. Department of Justice Organisational Chart;
2. Department of Justice Strategic Plan 2009-2012;
3. Department of Justice functions supporting vulnerable children and families;
4. Terms of reference for the Community Safety Working Group;
5. Community Safety Working Group relationships chart;
6. Binjari Problem Solving Plan; and
7. Katherine Times article dated 17 March 2010.